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MONTANA LEGISLATIVE HISTORY

Chapter 518 1980

Bill H 495 S _____ Original bill & history ___C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Feb 11	✓C	Hearing Date(s)	Mar 14	✓C
	Feb 23	✓C		Mar 21	✓C
		___C			___C
		___C			___C
Date Out	Feb 23	✓C		Mar 23	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1/27	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/28	FISCAL NOTE REQUESTED		
1/29	FISCAL NOTE RECEIVED		
2/12	HEARING		
2/12	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/14	2ND READING PASSED	72	23
2/16	3RD READING PASSED	69	23
	TRANSMITTED TO SENATE		
2/17	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/17	HEARING		
3/18	COMMITTEE REPORT--BILL CONCURRED		
3/20	2ND READING CONCURRED	49	0
3/23	3RD READING CONCURRED	45	3
	RETURNED TO HOUSE		
3/26	SIGNED BY SPEAKER		
3/27	SIGNED BY PRESIDENT		
3/27	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 325 EFFECTIVE DATE: 10/01/87		

HB 494 INTRODUCED BY PATTERSON
EXEMPT FROM PROPERTY TAX ALL LIVESTOCK LESS THAN 20 MONTHS OF AGE

1/27	INTRODUCED		
1/27	REFERRED TO TAXATION		
1/27	FISCAL NOTE REQUESTED		
1/28	FISCAL NOTE RECEIVED		
2/06	HEARING		
3/24	TABLED IN COMMITTEE		

HB 495 INTRODUCED BY CORNE'
EXPAND COVERAGE OF OFFENSE OF CUSTODIAL INTERFERENCE

1/27	INTRODUCED		
1/27	REFERRED TO JUDICIARY		
2/11	HEARING		
2/23	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/24	2ND READING PASSED	87	8
2/24	3RD READING PASSED	96	4
	TRANSMITTED TO SENATE		
3/02	REFERRED TO JUDICIARY		
3/16	HEARING		
3/23	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/07	2ND READING AMENDMENTS CONCURRED	87	1
4/08	3RD READING AMENDMENTS CONCURRED	88	2
4/10	SIGNED BY SPEAKER		
4/11	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 518 EFFECTIVE DATE: 10/01/87		

HB 496 INTRODUCED BY BRADLEY, ET AL.
INCREASING PUBLIC CONTRACTOR TAX; CREATING WATER SYSTEM BOARD AND GRANT PROGRAM

KATHARINE CADY, Women in Transition, Bozeman, went on record in opposition to this legislation.

WILBUR JOHNSON, Concerned Citizens Coalition, Great Falls, went on record in opposition to discrimination and HB 400. He submitted written testimony. (Exhibit L).

SANDY CHANEY, Women's Lobbyist Fund, stated the procedural requirements set forth in this bill appear to create an unnecessary exception to the general procedural methods for rule adoption under the MT Administrative Procedures Act. This legislation is unnecessary. She submitted written testimony. (Exhibit M).

JOHN ORTWEIN, Mt. Catholic Conference, stated that it seems that the removal of Section 4 from present law will cause further discrimination to the housing problems already confronted by the poor and the elderly. The MCC urged a "no" vote on HB 400. He submitted written testimony. (Exhibit N).

MARY GIBSON, President, Montana Division, American Association of University Women, opposed the legislation and submitted written testimony. (See Exhibit I under HB 399). (See attached visitor's register sheets for further opponents who did not testify).

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 400: Rep. Addy asked Rep. Manuel to comment on Mr. McLean's proposed amendment. He stated it would take the Commission off the hook because they would not have to make any ruling. He further stated he is apprehensive about it because it gives the state the right to discriminate. It is possible that it could kill HB 400. Rep. Addy asked Rep. Manuel if he felt the Commission should refuse to rent to people who have children or should they prohibit it. He answered they should reject the rule and not do anything in that area. Rep. Manuel stated there are two sides to Rep. Addy's question and it is a grey area.

Rep. Manuel closed the hearing on HB 400.

HOUSE BILL NO. 495: Rep. Corne', District No. 77, stated HB 495 deals with custodial interference. He stated there is a need to expand the definition of custodial interference in the law to reflect changes in custody relationships between parents, both before and after a divorce. The charge of custodial interference cannot be made against a parent who has joint custody and then kidnaps the child. He proposed amendments to HB 495. (Exhibit A).

PROPONENTS: KELLY M. HOGAN, Attorney from Bozeman, stated it is a crime in the state of Montana to break into somebody's home and steal their goods, it is called burglary. It is a crime to help yourself to your partners joint funds but in the State of Montana, there is a loophole large enough for a child to disappear through. Many states have made it a crime to steal a child from the other parent. He pointed out that this is a necessary bill and if it is not passed, this situation of custodial interference will continue. If just one family can be saved from this terrible situation of a child being stolen and save the child from the fear, then, the legislature has accomplished much.

CYNTHIA PALMER, Bozeman, stated that presently, the law enforcement's hands are tied from helping a parent whose child has been stolen by the other parent. The Missing Children's Organization has requested that Ms. Palmer help on a local level in making changes in the law to protect children. She stressed this legislation be passed.

LINDA MCNEIL, Attorney, Bozeman, specifically addressed the proposed (c) in the amendment; joint custody. Currently, joint custody is a presumption in the State of Montana. She stated we must keep up with the changes in the law regarding custody. She urged support for HB 495 and the amendments.

OPPONENTS: MARCIA DIAS, stated she would like to see HB 495 killed. The reason for this is that the bill deals with two different subjects: 1) Taking the child out of the state; 2) Interference. Other bills have addressed this subject. She stated this bill appears to be unconstitutional because it creates absolute liability. It eliminates the requirement that intent must be proved. She further explained there are no circumstances constituting an exception or non-violation. The statute does not give courts any discretion. She submitted written testimony. (Exhibit B).

REBECCA C. ATKINS, East Helena, submitted written testimony (Exhibit C) and stated that HB 495 is an addendum to HB 284. She agreed there are many divorced parents who refuse visitation because of animosity towards each other, but this bill is too extreme and should not be passed.

CELESTE HOLLINGSWORTH, Helena, opposed the legislation because of the emotional trauma the children will face if the custodial parent is fined and imprisoned and because this legislation is wasting the taxpayer's money, especially when there are no penalties for late child support payments. She submitted written testimony. (Exhibit D).

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 495: Rep. Rapp-Svrcek asked Ms. McNeil to address Ms. Diaz's concerns in regard to an intoxicated or dangerous parent coming to pick up the children for visitation. She stated there seems to be confusion in regard to the civil processes for custody visitation with the criminal custodial interference. Ms. McNeil suggested that an order for supervised visitation should be obtained.

Rep. Corne', in closing, stated this bill addresses a serious void and he closed the hearing on HB 495.

HOUSE BILL NO. 672: Rep. Whalen, District No. 93, sponsor, stated this bill requires an insurer of a defendant to be joined as a defendant if a claim is or may be covered by the insurer and that at the time of trial the jury shall be informed of the amount of insurance coverage that the defendant has. Under the present system, when a plaintiff is injured in an accident and pursues the case, he is the one that sits at the counsel table, but his insurance company hires his attorney by contract and pays his attorney, controls his defense and the insurance company, on behalf of the insured, does the investigation. The net effect of the present status is that there is unmeaningful recoveries or no recoveries for injured plaintiffs. He stated there is an injustice in the system that this bill is designed to take care of.

PROPONENTS: ERIC THUESEN, Montana Trial Lawyers, supported the bill because the jury is very interested in knowing if there is insurance in a case. Many cases have to have retrials because the jury does not know the insurance status of the defendant and if the insurance company was named as a real party interest, the concern of the jury would be cleared up once and for all.

OPPONENTS: JACQUELINE N. TERRELL, American Insurance Association, urged a do not pass on this bill. The Montana Supreme Court has consistently ruled that introduction of evidence regarding the defendant's insurance is prejudicial. The jury's function is to determine the amount of damages in direct relation to the liability of the tort feasor.

KATHY IRIGOIN, State Auditor's office, went on record in opposition to this legislation.

ROGER MCGLENN, Independent Insurance Agents Association of Montana, stated this bill would send a negative signal to the insurance product supplier, the insurance companies. It would also reduce insurance loss predictability in the State of Montana. He pointed out that insurance companies do not pay claims with insurance company money, they pay claims

DAILY ROLL CALL

JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 11, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)		✓	✓
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)			
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

CS-30

EXHIBIT A
2-11-87
HB 495

AMENDMENT TO HOUSE BILL 495:

(1) Page 1, Line 10, following "(1)"
Strike: "(a)"

(2) Page 1, Line 11, following "if,"
Strike: "knowing"

(3) Page 1, Line 12
Strike: "that he has no legal right to do so,"
Insert" "(a)"

(4) Page 1, Lines 16, 17 and 18
Following: "(b)"
Strike: lines 16 and 17 in their entirety and line 18 through "committed"
Insert: "Prior to the entry of a court order determining custodial rights"

(5) Page 1, Line 20, following "parent"

Insert: "where the action manifests an intent to substantially deprive that parent of parental rights"

(6) Page 1, Line 22
Following: "court"
Strike: "decree, the offense of custodial interference is"
Insert: "order,"

(7) Page 1, Line 23
Following: line 22
Strike: "committed"

(8) Page 1, Lines 24 and 25
Following: "other"
Strike: the remainder of line 24 and line 25 in its entirety
Insert: "where the action manifests an intent substantially to deprive that parent of parental rights."

EXHIBIT B
DATE 3-11-87
HB # 495

House Bill - 495

Is House Bill 495 for real? It appears to me to be highly unconstitutional because it creates absolute liability! It eliminates the requirement that intent be proved.

You can't have people in jail without proving intent - especially for long periods.

Because there are no circumstances constituting an exception or non-violation the Statute doesn't give court officials any discretion!

And this offense is to be classified as a felony — ! While our prisons, of necessity, are releasing rapists, murders, and other criminal

EXHIBIT D
DATE 2-11-87
HB 493

In Montana alcoholism is a problem! Many custodial parents deny visitation due to alcoholic circumstances. Many of us do this to protect our children - Or we are to be sent to Prison for trying to protect our children.

Furthermore, many custodial parents use visitation interference as a leverage to get child support. This may not be ethical - But is it ethical to leave children without the basics of food + shelter. The Bureau of Child Support has helped this situation but the problem still looms large. Approximately 150,000 children + women are living below the poverty level in Montana. Child support has to be 30 days [illegible] can be taken [illegible]

EXHIBIT 6
DATE 2-11-89
HB # 495

to [illegible] child to wait 30 days for [illegible]

There are about 35,000 AFDC cases at Child Enforcement Bureau, another 2000 non-AFDC cases. So as you can see child support payments remain a tremendous problem in Montana.

And here you propose a $50,000 fine + ten years in prison to a custodial parent who may be denying visitation to get these necessary funds to feed her children.

I would ask you to consider this issue fully - and, I hope do, I believe you will vote against this bill.

Sincerely,

Nancy A. Dies
Helena, Montana

EXHIBIT C
DATE 2-11-87
HB # 495

2-11-87

Mr Chairman and members of the committee:

My opposition is mainly to H.B. 284 which I understand is tabled at this time.

I can only give you personal reasons why this bill should not be passed.

As a divorced mother with 2 children, I am concerned as to the sequences of this bill. Currently, my ex-husband is serving 40 years as a dangerous offender in the Montana State Prison for raping little children (eligible for parole in Ty

The court would not terminate parental rights nor did the court terminate visitation.

In the best interest of the children, I have not allowed them to visit with their father at the prison. I am concerned that if this bill passes and he chooses to file charges, that I would end up in prison serving longer for denying visitation than he did for raping little children!

HB 283 I am also concerned about the moving out of state. I am remarried, should my husband find a job out of state - am I to remain behind because while my ex husband is in prison, still has visitation and refused to agree that we (the child move?

The question is - What is in the best interest of the children involved: who decides?

Exhi

Is H.B. 495 an addendum to H.B. 284?

While I agree there are many divorced parents who refuse visitation because of animosity toward each other - and something should be done, I feel this bill is too extreme and should not be passed.

Thank you.

Rebecca C. Atkins
2655 Valley Dr.
E. Helena, MT 59635

EXHIBIT 4
DATE 2-11-87
HB #495

February 8, 1987

The Bill Concerning Child Visitation and The Fine and Imprisonment of the Custodial Parent.

As the custodial parent of an eleven year old boy, I feel I must say something about the problems concerning child visitation and the emotional stress that involves all of the parties. I will cite just a few problems that arise, although there are many more.

Have you considered the fact that at times the non-custodial parent comes to get the child in an inebriated condition, or any other condition that may be detrimental to the care and safety of the child?

Have you considered that the child may have other plans and that he or she may not want to go with the non-custodial parent on that particular day?

Have you considered that visitation must be agreed upon by both parents? This is another problem when the non-custodial parent shows up without the consent of the custodial parent.

Have you also considered Exhibit

the emotional trauma the children will face if the custodial parent is fined and imprisoned? My question is, why are you wasting the tax payer's money on ~~such~~ such nonsense? Why are there no penalties when the child support payments are continually late? Should there not be a heavy fine and imprisonment on this latter issue? Please stop wasting our time and money and get to the real issues!

Celeste Hollingsworth
845 Terrence Road
Helena, 59601

VISITORS' REGISTER

Judiciary (L) COMMITTEE

BILL NO. HB 495 DATE 2/11/87

SPONSOR Cohen

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Becky Atkins	2655 Valley Dr. Helena		X
Burkhartsmeyer, Chadene	2544 Heritage Dr		X
Dias, Marcia	10 Washington Pl.		X
Margaret A. English	100 Prairie Helena		
Kelly M. Hogan	222 EAST MAIN #303 BZN. MT. 59715	X	
Cynthia Palmer	1612 W Olive #12 Bozeman MT 59715	X	
Linda McNeil	403 W. Meadowlark, Bzn	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

remain as it was without the amendments. Question was called on the original form of the bill with no amendments. Chairman Lory pointed out that there was a technical question regarding the bill and a motion must be made to take the amendments off the bill. A voice vote was taken and the majority FAVORED the motion. The amendments were taken off the bill. Rep. Daily moved DO PASS. Rep. Mercer pointed out that as the bill read, parents would be fined $250.00 for something their child did and that was a high fine. Rep. Gould stated that lawyers would not be willing to take a case for under $100.00. Rep. Mercer did not see why parents should be punished in the way of $250.00 for the actions of their kids. Rep. Strizich felt the bill was creating a situation for contempt in the legal system and stated that 90% of the kids caught return the merchandise. Rep. Hannah moved to TABLE the bill. A voice vote was taken and the motion CARRIED unanimously.

ACTION ON HOUSE BILL NO. 754: Rep. Miles moved TO TAKE THE BILL OFF THE TABLE. A voice vote was taken and the majority FAVORED the motion. HB 754 WAS TAKEN OFF THE TABLE. Rep. Miles moved DO PASS. Question was called and a voice vote was taken. The motion CARRIED 9-6. HB 754, DO PASS.

ACTION ON HOUSE BILL NO. 495: Rep. Gould moved DO PASS. Rep. Mercer moved to amend by deleting lines 16-20. Question was called. A voice vote was taken with the amendments PASSING unanimously. Rep. Hannah moved to TABLE HB 495. A voice vote was taken and the motion FAILED 6-7. Question was called and a voice vote was taken on the motion. The motion CARRIED 9-3. HB 495, DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 192: Rep. Cobb moved to TABLE the bill. A voice vote was taken and the motion carried unanimously.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 1:20 p.m.

Earl Lory

EARL LORY, Chairman

DAILY ROLL CALL

JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 23, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)		✓	
EARL LORY (R)	✓		

CS-30

STANDING COMMITTEE REPORT

FEBRUARY 23, 19 87

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 435

XX ☐ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

XX ☐ as amended
☐ statement of intent attached

Chairman

Page 1, lines 16 through 20.
Strike: Subsection (b) in its entirety

Renumber: subsequent subsection

FIRST reading copy (WHITE color)

CONSIDERATION OF HOUSE BILL 495: Representative Dick Corne', House District 77, introduced HB 495. (Exhibit 6) He also distributed copies of amendments to House Bill 495. (Exhibit 6 A)

PROPONENTS: There were no proponents.

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL 495: Senator Blaylock asked if the state really needed this bill because of House Bills 283 and 284. Rep. Corne' said section (a) of the bill is not covered in the other two bills.

Senator Halligan inquired why it has to be expanded to the District Court instead of the Justice of the Peace Court. The committee said they would talk about this in executive action.

Representative Corne' closed the hearing on HB 495.

CONSIDERATION OF HOUSE BILL 566: Representative Nancy Keenan, House District 66, introduced the bill. (Exhibit 7)

PROPONENTS: Caryl Wickes Borchers, Montana Coalition Against Domestic Violence, supported the bill. (Exhibit 8)

Written testimony in support of HB 566, is attached. (Exhibit 8A, 8B, 8C, and 8D)

Janet O'Rantia read testimony for her daughter, which is signed "A Concerned Mother". (Exhibit 9)

Jennifer Payne, Great Falls Mercy Home, read testimony for Anna Marie Kelly. (Exhibit 10)

Barbara Archer, representing herself, supports HB 566. (Exhibit 11)

Ann G. Eifert, Dillon, Montana, represented by Ms. Archer, supported HB 566. (Exhibit 12)

Lenore F. Taliaferro, Family Abuse Specialist, Friendship Center of Helena, rose in support of HB 566. (Exhibit 13)

Pamela Shore, Woman's Law Caucus, supported the bill. She explained there are five ways to abuse: 1) verbal; 2) physical; 3) sexual abuse; 4) economic; and 5) socialization.

ROLL CALL

Judiciary COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date March 16

NAME	PRESENT	ABSENT	EXCUSED
Senator Joe Mazurek, Chairman	X		
Senator Bruce Crippen, Vice Chairman	X		
Senator Tom Beck	X		
Senator Al Bishop	X		
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Jack Galt	X		
Senator Mike Halligan	X		
Senator Dick Pinsoneault		X	
Senator Bill Yellowtail	X		

Each day attach to minutes.

SENATE JUDICIARY
EXHIBIT NO. 6
DATE March 16, 1987
BILL NO. HB 495

SUMMARY OF HB495 (CORNE)
(Prepared by Senate Judiciary Committee staff)

HB495 amends the existing law relating to custodial interference. Under current law, a person commits the crime of custodial interference if, knowing he has no legal right to do so, he takes, entices, or withholds from lawful custody any child, incompetent person, or other person entrusted by authority of law to the custody of another or institution.

This bill, as amended by the House, provides that a person having joint custody of a child under a court decree commits the crime of custodial interference if he takes, entices, or withholds the child from the other during the period when the child resides with the other under the court decree.

(As introduced, the bill would have provided that if a child lives with both parents, each parent has lawful custody of the child and it is a crime of custodial interference for one parent to take, entice, or withhold the child from the other parent. This language could have caused problems because unless there is a court decree in cases of divorce or separation, the state has no justification for involving itself in family matters and because, technically, if each parent had lawful custody, each parent would be entitled to take the child.)

COMMENTS: The language, as amended by the House, doesn't seem to really change the existing law; however, it may clarify it in a manner that will help enforcement.

C:\LANE\WP\SUMHB495.

495 3rd

AMENDMENT TO HOUSE BILL ~~596~~ (Second Reading Copy)

SENATE JUDICIARY
EXHIBIT NO. 6A
DATE March 26, A
BILL NO. HB495

(1) Page 1, Line 10
Following: "(1)"
Strike: "(a)"

(2) Page 1, Line 12
Following: "so;"
Insert: "(a)"

(3) Page 1, Line 15
Following: "institution"
Strike: "."
Insert: ";"

(4) Page 1, Following Line 15
Insert: "(b) prior to the entry of a court order determining custodial rights one parent takes, entices, or withholds the child from the other parent where the action manifests a purpose to substantially deprive that parent of parental rights; or"

(5) Page 1, Line 21
Following: "~~(C)~~"
Strike: "(B)"
Insert: "(c)"

(6) Page 1, Line 22
Following: "court"
Strike: Remainder of of Line 22 Insert: "order"

(7) Page 1, Line 23
Following: Line 22
Strike: "is committed"

(8) Page 1, Line 24
Following: "other"
Strike: Remainder of Line 24 and Line 25 in their entirety
Insert: "where this action manifests a purpose substantially to deprive that parent of parental rights."

ACTION ON HOUSE BILL 495: Valencia Lane handed out amendments. (Exhibit 8) Senator Brown moved the amendments. The motion carried. Senator Brown moved House Bill 495 BE CONCURRED IN AS AMENDED. The motion CARRIED.

ACTION ON HOUSE BILL 393: Senator Galt moved amendments presented by Valencia Lane. (Exhibit 9) The motion carried. Senator Brown moved House Bill 393 BE CONCURRED IN AS AMENDED. The motion CARRIED.

ACTION ON HOUSE BILL 400: Senator Halligan moved BE NOT CONCURRED IN. Senator Mazurek said the proponents thought this problem had liability problems. Senator Halligan WITHDREW his motion after discussing the idea of looking at other states' laws on this subject. Ann MacIntyre, Human Rights Commission, said repealing rule 24.9.1107, would give the Commission guidelines to follow. Senator Blaylock thought the committee should give a statement of intent. Senator Mazurek appointed a subcommittee to the bill. Senators Halligan, Yellowtail and Mazurek would be on the subcommittee. Valencia Lane said she would prepare amendments for it.

ADJOURNMENT: The meeting adjourned at 11:30 a.m.

SENATOR JOE MAZUREK, Chairman

mh

ROLL CALL

Judiciary COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date March 2

NAME	PRESENT	ABSENT	EXCUSED
Senator Joe Mazurek, Chairman	X		
Senator Bruce Crippen, Vice Chairman		X	X
Senator Tom Beck	X		
Senator Al Bishop	X		
Senator Chet Blaylock		X	X
Senator Bob Brown	X		
Senator Jack Galt	X		
Senator Mike Halligan	X		
Senator Dick Pinsoneault	X		
Senator Bill Yellowtail	X		

Each day attach to minutes.

SENATE JUDICIARY
EXHIBIT NO. 8
DATE March 21, 198
BILL NO. SB HB 495

Proposed amendments to HB 495 (Corne) (prepared for the sponsor), third reading copy (blue)

1. Page 1, line 10.
Following: "(1)"
Strike: "(a)"

2. Page 1, line 12.
Following: "so"
Strike: ","
Insert: ": (a)"

3. Page 1, line 15.
Following: "institution"
Strike: "."
Insert: ";"

4. Page 1.
Following: line 20
Insert: "(b) prior to the entry of a court order determining custodial rights, he takes, entices, or withholds any child from the other parent where the action manifests a purpose to substantially deprive that parent of parental rights; or"

5. Page 1, line 21.
Following: "~~(c)~~"
Strike: "(B) If"
Insert: "(c) he is one of"
Following: "persons"
Strike: "have"
Insert: "who has"

6. Page 1, lines 22 and 23.
Following: "court" on line 22
Strike: remainder of line 22 through "them" on line 23
Insert: "order and he"

7. Page 1, lines 24 and 25.
Following: "other" on line 24
Strike: remainder of line 24 through "decree" on line 25
Insert: "where this action manifests a purpose substantially to deprive that parent of parental rights"

C:\LANE\WP\AMDHB495.

HOUSE BILL NO. 495

INTRODUCED BY CORNE'

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE COVERAGE OF THE OFFENSE OF CUSTODIAL INTERFERENCE; AND AMENDING SECTION 45-5-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-304, MCA, is amended to read:

"45-5-304. Custodial interference. (1) ~~(a)~~ A person commits the offense of custodial interference if, knowing that he has no legal right to do so, :(a) he takes, entices, or withholds from lawful custody any child, incompetent person, or other person entrusted by authority of law to the custody of another person or institution; ;

~~(b) If the parents of a child and the child live together, each parent has lawful custody of the child and the offense of custodial interference is committed if one parent takes, entices, or withholds the child from the other parent;~~

(c) he is one of ~~(c) (b) If~~ two persons who has ~~have~~ joint custody of a child under a court ~~decree, the offense of custodial interference is committed if one of them~~ order and he takes, entices, or withholds the child from the other ~~during a period when the child resides with the other under the decree.~~

(b) prior to the entry of a court order determining custodial rights, he takes, entices, or withholds any child from the other parent where the action manifests a purpose to substantially deprive that parent of parental rights; or

where this action manifests a purpose to substantially deprive that parent of parental rights.

(2) A person convicted of the offense of custodial interference shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed $50,000, or both.

(3) A person who has not left the state does not commit an offense under this section if he voluntarily returns such person to lawful custody prior to arraignment. A person who has left the state does not commit an offense under this section if he voluntarily returns such person to lawful custody prior to arrest."

-End-

Montana Legislative Council

SENATE JUDICIARY
EXHIBIT NO. 8
DATE 3-21-
BILL NO. H.B. 495
HB 495
THIRD READING

STANDING COMMITTEE REPORT

March 23 19 87

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. 495

~~Third~~ reading copy (blue color)

Expand coverage of offense of custodial interference.
Corne (Brown)

Respectfully report as follows: That HOUSE BILL No. 495

1. Page 1, line 10.
Following: "(1)"
Strike: "(a)"

2. Page 1, line 12.
Following: "so"
Strike: ","
Insert: ": (a)"

3. Page 1, line 15.
Following: "institution"
Strike: "."
Insert: ";"

4. Page 1.
Following: line 20
Insert: "(b) prior to the entry of a court order determining custodial rights, he takes, entices, or withholds any child from the other parent where the action manifests a purpose to substantially deprive that parent of parental rights; or"

~~XXXXXXX~~ DO PASS

~~XXXXXXXXXX~~ DO NOT PASS CONTINUED

Senator Mazurek Chairman.

5. Page 1, line 21.
Following: "~~(c)~~"
Strike: "(B) IF"
Insert: "(c) he is one of"
Following: "persons"
Strike: "have"
Insert: "who has"

6. Page 1, lines 22 and 23.
Following: "court" on line 22
Strike: remainder of line 22 through "them" on line 23
Insert: "order and he"

7. Page 1, lines 24 and 25.
Following: "other" on line 24
Strike: remainder of line 24 through "decree" on line 25
Insert: "where the action manifests a purpose to substantially deprive the other parent of parental rights"

C:\LANE\WP\AMDSB495.
70801/C:JEANNE\WP;jj
Amendments, SB 495

AND AS AMENDED
BE CONCURRED IN

Senator Mazurek